

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Following a review of her Food Stamp eligibility in March the Department determined that the petitioner's

decreased housing costs would result in a reduction in her Food Stamps to \$129 per month effective April 1, 2006.¹

3. At a hearing in this matter held on May 22, 2006 the petitioner did not disagree with any of the Department's determinations regarding her income and housing expenses. In April her income consisted of \$675 in Social Security payments and rent payments of \$227 after her subsidy.

4. The matter was continued to allow the petitioner to document any medical expenses that she pays out-of-pocket. The petitioner does not appear to dispute that her out-of-pocket medical expenses do not exceed \$35 a month.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all Social Security payments as unearned income. Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to those specifically itemized in the regulations. Food Stamp Manual (F.S.M.) § 273.9(d). All households under five persons

¹ At a further review in May 2006 this amount was adjusted \$130 a month, effective July 1, 2006.

receive a "standard deduction" of \$134, and those with earned income can deduct 20 percent of that income.

Households are also entitled to a "shelter deduction" in the amount by which their total shelter costs exceed one half of their net income. See F.S.M. §§ 273.9(d)(5-6). The petitioner does not dispute that the Department correctly calculated her combined shelter and utility deduction for April as \$467.48 a month. Based on the above information, the Department determined that the petitioner's net income for April, after the standard deduction and the excess shelter deduction, was \$73.56. The amount of Food Stamps payable to a one-person household with this income is \$129 a month. See P-2590D.

Households with certain out-of-pocket medical expenses can also deduct these expenses from income in the amount that exceeds \$35 a month. See F.S.M. §§ 273.9(d)(3). In this case the petitioner has not shown that her monthly medical expenses exceed \$35, and she has not been allowed a deduction for this purpose.

Inasmuch as the petitioner does not dispute that the Department's decision in this matter accurately reflected her income and expenses as of April 2006, and cannot show that the amount of her Food Stamps was not determined in accord

with the applicable regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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